

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 11, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

OKANOGAN HIGHLANDS
ALLIANCE AND STATE OF
WASHINGTON,

Plaintiffs,

v.

CROWN RESOURCES
CORPORATION AND KINROSS
GOLD U.S.A., INC.,

Defendants.

No. 2:20-CV-00147-MKD

ORDER DENYING STATE OF
WASHINGTON'S MOTION FOR
RELIEF FROM JUDGMENT

ECF No. 217

Before the Court is Plaintiff State of Washington's Motion for Relief from Judgment. ECF No. 217. Consistent with the Court's Sixth Bench Trial Scheduling Order, ECF No. 190 at 11, the Court did not require Defendants to respond. The Court has reviewed the motion and record and is fully informed. For the reasons explained below, the Court denies the motion.

LEGAL STANDARD

Fed. R. Civ. P. 60(b) "is to be utilized only where extraordinary circumstances prevented a party from taking timely action to prevent or correct an erroneous judgment." *United States v. State of Wash.*, 98 F.3d 1159, 1163 (9th Cir.

1 1996) (citation and quotations omitted). Among other reasons, the rule “allows for
2 relief from a final judgment, order, or proceeding” based on “mistake,
3 inadvertence, surprise, or excusable neglect[.]” *Trendsettah USA, Inc. v. Swisher*
4 *Int’l, Inc.*, 31 F.4th 1124, 1136 (9th Cir. 2022) (citing *Hanson v. Shubert*, 968 F.3d
5 1014, 1017 n.1 (9th Cir. 2020)); *see* Fed. R. Civ. P. 60(b)(1).

6 DISCUSSION

7 The State of Washington moves for relief from judgment under Fed. R. Civ.
8 P. 60(b)(1). The Court concludes relief is unwarranted. The State’s arguments
9 made in support of its motion largely mirror the arguments it made opposing
10 Defendants’ motion for judgment on the pleadings—arguments the Court has
11 found unsupported by statute and case law. *Compare* ECF No. 206 at 5-6, 9-10,
12 15-16, 18-20 *and* ECF No. 211 at 20-22, 34-35, *with* ECF No. 214 at 6, 9-11. The
13 State’s remaining arguments similarly are without merit.¹ The Court thus declines
14 to set aside its prior order or modify the judgment. *See Straw v. Bowen*, 866 F.2d
15 1167, 1172 (9th Cir. 1989) (noting a movant’s burden of “show[ing] that the
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17 ¹ Contrary to its passing reference to “black letter law,” ECF No. 214 at 9,
18 Washington failed to cite any Supreme Court or Ninth Circuit precedent that would
19 squarely foreclose the outcome of the Court’s order granting Defendants’ motion
20 for judgment on the pleadings.

1 district court committed a specific error”) (citing *Thompson v. Housing Authority*
2 *of the City of Los Angeles*, 782 F.2d 829, 832 (9th Cir. 1986)).

3 **CONCLUSION**

4 For the reasons stated above, the Court denies the State’s motion for relief
5 from judgment.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. The State of Washington’s Motion for Relief from Judgment, **ECF**
8 **No. 217**, is **DENIED**.

9 **IT IS SO ORDERED.** The District Court Executive is directed to file this
10 Order and provide copies to the parties.

11 DATED March 11, 2025.

12 s/Mary K. Dimke
13 MARY K. DIMKE
14 UNITED STATES DISTRICT JUDGE
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